

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

IACOVELLI BROTHERS CONTRACTING, INC.

Plaintiff,

Civil Action No. 5:07-CV-805

vs.

COLONIAL INSURANCE COMPANY and
PARTNER REINSURANCE COMPANY OF THE U.S.

Defendants.

APPEARANCES:

OF COUNSEL:

Menter, Rudin Law Firm
308 Maltbie Street
Suite 200
Syracuse, New York 13204-1498
Attorney for Plaintiff

Vic J. Kopnitsky, Jr., Esq.

Becker, Becker Law Firm
148 Central Avenue
Albany, New York 12201-0575
Attorney for Defendant

Lawrence E. Becker, Esq.

Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

I have been informed by Magistrate Judge George H. Lowe that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is hereby

ORDERED, as follows:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

Date: December 13, 2007


Norman A. Mordue
Chief United States District Court Judge